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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,286	02/16/2005	Jasper Zuidervaat	NL 020739	7763

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

LANDRUM, EDWARD F

ART UNIT PAPER NUMBER

3724

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,286

Applicant(s)

ZUIDERVAART ET AL.

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/16/05, 9/6/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the actuator affecting the periodical motion of both the shaving head and the cutting member, and the first and second cutting members being effected by separate periodical motions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because of the use of legal phraseology such as "therein" and "said". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe how the cutting members (17 and 19) are effected by separate periodical motions when both cutting members are attached to the same carrier member (25).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Motta (U.S Patent No. 5,007,169).

Motta teaches a shaving apparatus with a cutting unit having an elliptical periodical motion composed of a first and second motion (Col. 4, lines 58-67), capable of being changed depending on the dimensions of slot (265). Depending on how the shaver is held the second motion is closer to the skin being shaved and directed opposite the cutting direction. Periodical motion of the cutting unit is controlled by an actuator located inside the handle of the shaver (see Figure 1) that conveys a periodical motion, having major and minor axis, to both the shaving head and the cutting member.

Claims 1, 9, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Balamuth et al (U.S Patent No. 3,756,105), hereinafter Balamuth.

Balamuth teaches (see Figures 1 and 2) a device for shaving hair comprising a base portion (12), a shaving head (24), and a cutting member (30), within the shaving head (24), having two distinct motions, the second motion being closer to a users skin and directed away from the cutting direction when the shaver is held a specific way. An actuator (62) generates the periodical motion of the cutting member (30) relative to the shaving head, and generates a second periodical motion of shaving head (24) which is in turn provides a second periodical motion to an outer cutting member (25)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motta in view of Lowery et al (U.S Patent No. 4,744,144), hereinafter Lowery.

Motta teaches all of the elements of the current invention as stated above except for the periodical motion of the cutting member cutting at a specific frequency, specifically about 200 Hz.

Lowery teaches (Col. 7, lines 35-39) the optimal frequency for the periodical motion of a shaving unit being approximately 200 Hz.

It would have been obvious to have modified Motta to incorporate the teachings of Lowery to produce a shaving unit that operated at the optimal frequency to promote a closer and more comfortable shave.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motta (U.S Patent No. 5,007,169).

Motta teaches all of the elements of the current invention as stated above except for the optimal amplitudes for the elliptical motion of a shaving unit.

Motta teaches (Col. 4, lines 39-42) the elliptical motion of the cutting unit able to be changed to meet a best mode requirement by changing the size of a slot (265). It would have been obvious to create a slot that produced the most efficient and comfortable shave attainable for it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum workable ranges only involves routine skill in the art.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motta in view of Apprille et al (U.S Patent No. RE36,816), hereinafter Apprille.

Motta teaches all of the elements of the current invention as stated above except for the shaving device having a skin contact member which defines a skin contact surface, where the major axis and the skin contact surface are substantially parallel to each other.

Apprille teaches (see Figure 7) the use of a skin contact surface made up by the tips of the ribs (122) of the upper surface (120) of the guard member. The tips of the ribs (122) and the cutting members (as shown in Figure 7) are located on substantially the same plane, and therefore on the major axis of the cutting direction (from left to right)

It would have been obvious to have modified Motta to incorporate the teachings of Apprille to use a cutting member that incorporated a guard member for the purpose of protecting a user from hurting him or herself while using the shaving device. Since the Guard member is located on the major axis of the cutting direction of the shaver, the contact surface created by the guard member is substantially parallel to the major axis of the elliptical motion of the cutting member.

Allowable Subject Matter

Claim 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dato et al (U.S Patent No. 6,421,918), Davey (U.S Patent No. 5,794,342), Metcalf et al (U.S Patent No. 5,299,354), Kawara et al (U.S Patent No. 5,046,249), Kuris et al (U.S Patent No. 3,793,723), and Tiffin (U.S Patent No. 3,636,627) teach shavers with two distinct motions. Miller et al (U.S Patent No. 5,056,222) teaches a shaving unit with a skin contact member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL
1/3/2006




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